

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18521 of 2016

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Goverdhan Pujari, S/o late Baidya Sita Ram Sao, resident at Harding Road,
P.S. Sachivalaya Town and District-Patna

... .. Petitioner/s

Versus

1. Secretary Communication Department, Union Of India, New Delhi
2. Chief General Manager Telecom Bihar Circle, R-Block Telephone Bhawan,
P.S. Sachiwalya, Patna
3. Post Master General, Bihar Circle its Office, Patna, G.P.O. P.S. Kotwali,
Patna
4. The State of Bihar through Collector Patna, Patna Collectorate, P.S.
Gandhi Maidan, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Goverdhan Pujari In person
For the Respondent/s	:	Mr.Rishi Raj Sinha,SC-19
		Mr. Akhilesh Kumar Sinha, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 25-06-2019 The present writ petition has been filed for directing the respondents to comply the order dated 04.03.2011 passed in CWJC No. 10450 of 2010, whereby and whererunder direction was given to the respondent Collector, Patna to dispose off the case of the petitioner within six months after considering his grievances.

The respondent Collector, Patna has filed a counter affidavit, paragraph nos. 6 to 11 whereof are reproduced herein below:-

“6. That, it is humbly submitted that in compliance of the direction given by the Hon’ble Court, the Collector,



Patna after hearing the parties has passed reasoned order dated 06.09.2011 (Annexure-A) whereby the grievances of the petitioner has already been lawfully rejected.

- 7. That it is humbly submitted that in this connection it is stated that the brother of the petitioner Drigonmeshwar Pujari filed another writ petition vide CWJC No. 2760 of 2012 for the same grievances and the same was disposed of by the Hon'ble Court on 13.08.2012 with direction that petitioner is granted liberty to establish the title over land in question to avail the remedy of the title suit.*
- 8. That it is humbly submitted that the claim of the petitioner over land in question on the ground of judgment and decree passed by Civil Court in Title Suit No. 172 of 1997, it is stated that after the judgment and decree passed in the said suit the petitioner filed Title Suit No. 169/2000 against the Union of India and others for recovery of possession over land in question i.e. Plot No. 1217. The same was dismissed by sub-Judge-VIII, Patna on 18.02.2005 (Annexure-B). The learned court held that plaintiff was never in possession over Plot No. 1217 which was already acquired by the Government.*
- 9. That it is humbly submitted that the land in question i.e. Plot No. 1217 was acquired along with many*



other land in said area for construction of Government Office and Staff Quarter and compensation amount has already been paid in the year 2013 to its owner Mahadeo, son of Jethu Gwala, Plot No. 1217 also stand in the acquired land lease.

- 10. That it is humbly submitted that the petitioner and his brother filed C.W.J.C. No. 2760 of 2012 and C.W.J.C. No. 20580 of 2014 and the present C.W.J.C. No. 18521 of 2016, making similar prayer which is not justified in the eyes of law and also against the principles of res-judicata of CPC.*
- 11. That it is humbly submitted that the Collector, Patna has already passed by the Hon'ble Court by passing a reasoned order dated 06.09.2011 in the aforesaid matter."*

It is thus apparent from the averments made by the learned counsel for the parties that the case of the petitioner has already been rejected by the learned Collector, Patna long back on 06.09.2011 and the Title Suit No. bearing T.S. No. 169 of 2000, filed by the petitioner herein has also been dismissed by the learned Sub-Judge-VIII, Patna by a judgment dated 18.03.2005. The petitioner has been unable to show anything from the records whereby and whereunder either the order of the learned Collector dated 06.09.2011 or the aforesaid judgment dated



18.03.2005 passed by the learned Sub-Judge-VIII, Patna have been challenged by him.

In such view of the matter, nothing survives in the present writ petition. Accordingly, the same is dismissed.

(Mohit Kumar Shah, J)

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